

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KOREA TRADE INSURANCE )  
CORPORATION, )  
                        )  
                        Plaintiff, ) Civil Action No. 15-84E  
                        )  
                        v. ) Judge Cathy Bissoon  
                        )  
RAINEATER, LLC, )  
                        )  
                        Defendant. )

**ORDER**

Defendant's Motion to Dismiss (Doc. 8) will be denied. Defendant argues that Plaintiff cannot maintain causes of action for both breach of contract and for unjust enrichment. Def.'s Br. (Doc. 9) at 2. In federal court, however, Plaintiff is permitted to plead in the alternative. *See Indep. Enters. Inc. v. Pitt. Water & Sewer Auth.*, 103 F.3d 1165, 1175 (3d Cir. 1997) (citing Fed. R. Civ. P. 8(e)(2)). This rule has been extended to cases alleging contract versus quasi-contract claims. *See Sensus U.S., Inc. v. Elliott Bay Eng'g, Inc.*, 2011 WL 2650028, \*5 (W.D. Pa. July 6, 2011) (holding same) (citations to quoted sources omitted). Defendant's Motion to Dismiss (**Doc. 8**) is without merit, and, therefore, is **DENIED**.

IT IS SO ORDERED.

June 19, 2015

s\Cathy Bissoon

Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record